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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,005	01/16/2001	Sung-Won Lee	678-595 (P9710)	6052

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EXAMINER	
SCHEIBEL, ROBERT C	
ART UNIT	**PAPER NUMBER**
2666	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/761,005	LEE, SUNG-WON	
	Examiner	Art Unit	
	Robert C. Scheibel	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,8-11,16-19,26-29,34 and 35* is/are rejected.

7)☒ Claim(s) *3,5-7,12-15,20-25 and 30-33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 10-12, with respect to the rejection of claims **1-2, 4, 8-11, 16-19, 26-29, and 34-35** under 35 U.S.C. 102(a), filed 11/1/2004 have been fully considered but they are not persuasive. The first four paragraphs of page 10 provide a general summary or the previous office action and rejection. In the fifth paragraph, applicant provides an accurate broad summary of the invention. In the next several paragraphs, applicant provides several definitions from the 3GPP2 reference used to reject the claims. Specifically, applicant argues that the SCRM_SEQ_NUM field of the 3GPP2 document is not used in all instances. It is not used when the BSC initiates the channel assignment. Examiner agrees that this field is used only when the USE_SCRM_SEQ_NUM field is set to '1'. However, even with this difference in the behavior of the invention as described in the specification, the 3GPP2 document still anticipates all limitations of the claims due to their broad language. The details are described in the rejection below. Applicant argues further in fifth paragraph that the present invention differs from the 3GPP2 document and cites Figure 8 as an example of where these differences are described. Examiner agrees that the invention differs from the 3GPP2 document and as such has indicated allowable subject matter. Examiner maintains that the independent claims are broadly worded and read on the 3GPP2 document. The claims which have been objected to and indicated to include allowable subject matter successfully differentiate the present invention from the prior art of record. Examiner recommends that applicant rewrite these claims in independent form. Finally, applicant argues in the last 2 paragraphs of page 11 that certain limitations are not disclosed by 3GPP2. However, some of these limitations are not even

included in some of the independent claims. Further, the examiner maintains the previous rejection as stated below in view of the broad terminology in the claims. On page 12, applicant argues that the dependent claims are allowable because the independent claims are allowable. Examiner respectfully disagrees as stated above and maintains the previous rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims **1-2, 4, 8-11, 16-19, 26-29, and 34-35** are rejected under 35 U.S.C. 102(a) as being anticipated by 3rd Generation Partnership Project 2 "3GPP2", C.S0005-0 Version 1.0 ("3GPP2" hereinafter).

Regarding claim 1, 3GPP2 discloses in section 3.7.3.3.2.24 the step of generating a channel assignment message (the Supplemental Channel Assignment Message described in the table) including a start time for channel assignment (REV_START_TIME/FOR_START_TIME), a duration of the channel assignment (REV_DURATION/FOR_DURATION), and a sequence number (SCRM_SEQ_NUM) for message identification. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171). 3GPP2 discloses the limitation that the sequence number is used for identifying each of a plurality of channel assignment messages on pages 3-261 to 3-262 which indicate that "the base station shall set this field to the sequence number corresponding to the

SCRM-SEQ-NUM field in a Supplemental Channel Request Message to which the mobile station is to match this message", thus indicating that this field is used for identifying the message.

Regarding claim **9**, 3GPP2 discloses in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 the step of receiving a plurality of channel assignment messages successively. The fields of the channel assignment message (start time (REV_START_TIME/FOR_START_TIME), a duration (REV_DURATION/FOR_DURATION), a sequence number for message identification (SCRM_SEQ_NUM), and a channel identifier for channel identification (BASE_CODE_CHAN)) are disclosed in section 3.7.3.3.2.24. The limitation of receiving a plurality of channel assignment messages is disclosed in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171). The step of storing the received channel assignment messages in a memory according to the start times, durations, and sequence numbers of the channel assignment messages is disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292; this section describes that the various message fields are to be stored in the mobile station. Figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 also disclose the limitation that data communication is conducted on channels assigned by the channel assignment messages.

Regarding claim **17**, 3GPP2 discloses in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 the step of receiving a plurality of channel assignment messages successively. The fields of the channel assignment message (start time

(REV_START_TIME/FOR_START_TIME), a duration (REV_DURATION/FOR_DURATION), a sequence number for message identification (SCRM_SEQ_NUM), and a channel identifier for channel identification (BASE_CODE_CHAN)) are disclosed in section 3.7.3.3.2.24. The limitation of receiving a plurality of channel assignment messages is disclosed in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. 3GPP2 also discloses the step of transmitting the channel assignment message to a mobile station on an existing traffic channel in section 2.6.4.1.2 (see lines 7-8 and 23-26 on page 2-171). The step of storing the received channel assignment messages in a memory according to the start times, durations, and sequence numbers of the channel assignment messages is disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292; this section describes that the various message fields are to be stored in the mobile station. The limitation of conducting data communication on a channel corresponding to the channel identifier of a first read channel assignment message for a period between the start time and the end of the duration set in the read channel assignment message is disclosed in the "Assignment 1" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). The limitation of then on a channel corresponding to the channel identifier of a next read channel assignment message for a period between the start time and the end of the duration set in the next channel assignment message, the start time of the next channel assignment message being set to or after the end of the data communication according to the first read channel assignment message is disclosed in the "Assignment 2" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). This figure clearly shows that the start time of the next channel assignment message is after the end of the data communication according to the first channel assignment message.

Regarding claim **27**, 3GPP2 discloses the limitation of a receiver for receiving a plurality of channel assignment messages successively from a base station on an existing traffic channel, each of the channel assignment messages having the fields of a start time, a duration, a sequence number for message identification, and a channel identifier for channel identification in section 3.7.3.3.2.24 and in figure 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2 as described above in claims 9 and 17. The receiver is inherent to a system receiving channel assignment messages as the means of receiving these messages. 3GPP2 discloses the limitation of a memory having a scheduling table for storing the received channel assignment messages and the limitation of a controller for storing the received channel assignment message in the scheduling table of the memory according to the durations and sequence numbers of the channel assignment messages are disclosed in the section from line 4 on page 2-288 through line 40 on page 2-292. This section describes that the various message fields are to be stored in the mobile station; this information must be stored in some sort of memory. Further, 3GPP2 discloses the limitation of the controller sequentially reading the stored channel assignment messages, and assigning channels based on the channel identifiers of the read channel assignment messages, for data communication in figures 2.6.6.2.5.1.1-1 and 2.6.6.2.5.1.1-2. These figures show (a) that the channel assignment messages are processed after they are received and (b) that they are processed in the order they are received (indicating that they are stored for later processing and sequentially read). The use of the channel based on the respective assignment messages also indicates that channels are assigned based on the channel identifiers of the read channel messages.

Regarding claims **2, 10, 18, and 28**, 3GPP2 discloses the step of deleting a previous channel assignment message in lines 4-7 of page 2-320 and figure 2.6.6.2.5.1.1-2. The second message replaces the first, thus effectively deleting it.

Regarding claims **4, 11, 19, and 29**, 3GPP2 discloses the step of updating a previous channel assignment message in figure 2.6.6.2.5.1.1-1 (a). The first channel assignment is updated by the second channel assignment to extend the duration of the first channel assignment.

Regarding claims **8, 16, 26, and 35**, 3GPP2 discloses the limitation that the channel assignment message(s) are supplemental channel assignment message(s) in the title of section 3.7.3.3.2.24 "Supplemental Channel Assignment Message".

Regarding claim **34**, 3GPP2 discloses the limitation of conducting data communication on a channel corresponding to the channel identifier of a first read channel assignment message for a period between the start time and the end of the duration set in the read channel assignment message is disclosed in the "Assignment 1" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). The limitation of then on a channel corresponding to the channel identifier of a next read channel assignment message for a period between the start time and the end of the duration set in the next channel assignment message, the start time of the next channel assignment message being set to or after the end of the data communication according to the first read channel assignment message is disclosed in the "Assignment 2" message and the associated channel usage in Figure 2.6.6.2.5.1.1-1 (b). This figure clearly shows that the start time of the next channel assignment message is after the end of the data communication according to the first channel assignment message.

Allowable Subject Matter

4. Claims **3, 5-7, 12-15, 20-25, and 30-33** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 6:30-5:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RCS 4-3-05

Robert C. Scheibel
Examiner
Art Unit 2666

Seema S. Rao 4/5/05
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